

**REAL ESTATE APPELLATE TRIBUNAL, PUNJAB**  
SCO No. 95-98, Bank Square, P.F.C Building, Sector-17-B, Chandigarh

Subject: -

**APPEAL NO. 137 OF 2020**  
**M/S GUPTA BUILDERS & PROMOTERS PVT. LTD. & ANR.**  
**VERSUS**  
**REAL ESTATE REGULATORY AUTHORITY, PUNJAB**  
**WITH**  
**APPEAL NO. 138 OF 2020**  
**M/S GUPTA BUILDERS & PROMOTERS PVT. LTD. & ANR.**  
**VERSUS**  
**REAL ESTATE REGULATORY AUTHORITY, PUNJAB**

Memo No. R.E.A.T./2021/ 398

To,

Subject:

**REAL ESTATE REGULATORY AUTHORITY, PUNJAB 1<sup>ST</sup> FLOOR,**  
**BLOCK B, PLOT NO.3, MADHYA MARG, SECTOR-18,**  
**CHANDIGARH-160018.**

Whereas appeals titled and numbered as above were filed before the Real Estate Appellate Tribunal, Punjab. As required by Section 44 (4) of the Real Estate (Regulation and Development) Act, 2016, a certified copy of the order passed in aforesaid appeals is being forwarded to you and the same may be uploaded on website.

Memo No. Given under my hand and the seal of the Hon'ble Tribunal this **15<sup>th</sup>**  
**day of December, 2021.**

To,



*Shamendra Kumar*  
REGISTRAR

**REAL ESTATE APPELLATE TRIBUNAL, PUNJAB**

(10)

**BEFORE THE REAL ESTATE APPELLATE TRIBUNAL,  
PUNJAB FOREST COMPLEX, SECTOR 68, PHASE 10,  
MOHALI, SAS NAGAR PUNJAB**

Appeal No. 137 of 2020

Arising out of COMPLAINT NO. RERA/Comp./ENF/02/2019  
(Decided on 06.05.2019)

**MEMO OF PARTIES**

1. M/S Gupta Builders & Promoters Pvt. Ltd., Kishanpura Road, Ms Enclave, Dhakoli, Zirakpur, Mohali through its Director Sh. Pardeep Kumar. (Alternative address:- Village togan, Mullanpur, SAS Nagar.)
2. M/S Gupta Builders & Promoters Pvt. Ltd., SCO No. 196-197, Sector-34-A, Chandigarh through its Director Sh. Pardeep Kumar.

...Appellant(s)

Versus

Real Estate Regulatory Authority, Punjab, 1<sup>st</sup> Floor, Block B, Plot no. 3, Madhya Marg, Sector-18-A, Chandigarh through its Chairman.

...Respondent(s)



CHANDIGARH  
Date:11-02-2020.

*Rakesh Sobti*  
(RAKESH SOBTI) & (MALIKA SETHI SOBTI)  
P-1057/2011 P-2191/2011  
ADVOCATES,  
COUNSEL FOR THE APPELLANTS

(10)

**BEFORE THE REAL ESTATE APPELLATE TRIBUNAL,  
PUNJAB FOREST COMPLEX, SECTOR 68, PHASE 10,  
MOHALI, SAS NAGAR PUNJAB**

Appeal No. 138 of 2020

Arising out of COMPLAINT NO. RERA/Comp./ENF/03/2019  
(Decided on 06.05.2019)

**MEMO OF PARTIES**

1. M/S Gupta Builders & Promoters Pvt. Ltd., Kishanpura Road,  
Ms Enclave, Dhakoli, Zirakpur, Mohali through its Director Sh.  
Pardeep Kumar.
2. M/S Gupta Builders & Promoters Pvt. Ltd., SCO No. 196-197,  
Sector-34-A, Chandigarh through its Director Sh. Pardeep  
Kumar.

...Appellant(s)

Versus

Real Estate Regulatory Authority, Punjab, 1<sup>st</sup> Floor, Block B, Plot no.  
3, Madhya Marg, Sector-18-A, Chandigarh through its Chairman.

...Respondent(s)

*Rakesh Sobti*

(RAKESH SOBTI) & (MALIKA SETHI SOBTI)  
P-1057/2011 P-2191/2011  
ADVOCATES,  
COUNSEL FOR THE APPELLANTS



REAL ESTATE APPELLATE TRIBUNAL, PUNJAB AT CHANDIGARH

APPLICATION NO. 99 OF 2020  
APPLICATION NO. 100 OF 2020  
AND APPEAL NO. 137 OF 2020

M/S GUPTA BUILDERS & PROMOTERS PVT. LTD. & ANR.  
VERSUS

REAL ESTATE REGULATORY AUTHORITY, PUNJAB  
WITH

APPLICATION NO. 101 OF 2020  
APPLICATION NO. 102 OF 2020  
AND APPEAL NO. 138 OF 2020

M/S GUPTA BUILDERS & PROMOTERS PVT. LTD. & ANR.  
VERSUS

REAL ESTATE REGULATORY AUTHORITY, PUNJAB

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**Present: -** Ms. Tanyaa Kaushik, Advocate for Mr. Mohammad Sartaj  
Khan, Advocate for the appellants.

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On 06.07.2020, we had passed the following order:-

*" Written request for an adjournment has been received through email, on account of inability of counsel to come to Court, in view of the prevailing situation resulting from the pandemic. Prayer granted however, the amount required to be deposited under Section 43(5) of the Act be deposited within a period of 15 days. "*

Despite the above, the needful has not been done.

The Hon'ble Supreme Court has recently held that Section 43(5) of the Real Estate (Regulation and Development) Act, 2016 is mandatory and the Tribunal would have no power to waive of the amount intended for compliance of Section 43(5) of the Act.

In view of the fact that the appellant has failed to deposit the amount despite directions by this Court and more than a year has elapsed since then, the appeal is dismissed, only on this ground.

Ordered accordingly.

Photocopy of this order be placed in connected case.



Sd/-  
JUSTICE MAHESH GROVER (RETD.)  
CHAIRMAN

Sd/-  
S.K. GARG, D & S. JUDGE (RETD.)  
MEMBER (JUDICIAL)

Sd/-  
ER. ASHOK KUMAR GARG, C.E. (RETD.)  
MEMBER (ADMINISTRATIVE/TECHNICAL)

November 24, 2021

AN

Certified To Be True Copy

Registrar  
Real Estate Appellate Tribunal Punjab  
Chandigarh

15-12-2021